



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

PLANNING DEPARTMENT HEARING

*Promoting the wise use of land
Helping build great communities*

MEETING DATE September 1, 2006	CONTACT/PHONE Holly Phipps 781-1162	APPLICANT Lino Palmieri and Angelina Palmieri	FILE NO. COAL 04-0178 SUB2003-00240
SUBJECT Request by Lino and Angelina Palmieri for a Lot Line Adjustment (COAL04 0178) to adjust the lot lines between two parcels of 15.41 acres and 15.80 acres. The adjustment will result in two parcels of 16.21 acres and 15.00 acres. The project will not result in the creation of any additional parcels. The proposed project is within the Residential Rural land use category and is located on the west side of Spring Creek Road (at 725 Spring Creek Road, approximately 150 feet south of Almond Road) approximately 5 miles east of Templeton. The site is in the El Pomar/Estrella planning area.			
RECOMMENDED ACTION Approve Lot Line Adjustment COAL04-0178 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A General Rule Exemption (ED06-032) was issued on July 27, 2006.			
LAND USE CATEGORY Residential Rural	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 033-281-042	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: 22.94.040(F) (1a) Residential Rural. Offer of road right-of-way dedication. 22.94.040(F) (4a) Minimum parcel size required is 10 acres.			
LAND USE ORDINANCE STANDARDS: 22.22.060 Land Division – Residential Rural			
EXISTING USES: One barn, guesthouse, irrigated grapes, 2 wells.			
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Rural/scattered residential South: Residential Rural/scattered residential East: Residential Rural/scattered residential West: Residential Rural/scattered residential			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: The project was referred to: Public Works, Environmental Health, Ag Commissioner, CDF, Templeton Community Services District, Karen Nall Templeton Advisory Liaison, Templeton Advisory Council, Parks Division, APCD	
TOPOGRAPHY: Steeply sloping	VEGETATION: Vineyard,
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF	ACCEPTANCE DATE: May 24, 2006

ORDINANCE COMPLIANCE:

The applicant is proposing to adjust the lot lines between two legal parcels as follows:

EXISTING LOT SIZES (ACRES)	ADJUSTED PARCEL SIZES (ACRES)
15.41t	15.00
15.81	16.21

Minimum Parcel Size

Section 22.22.060 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Residential Rural land use category. The standards are based on the distance from an urban areas, fire response time, type of access serving the property and the topography of the site. Minimum parcel size is based on the largest parcel size as calculated by tests. The proposed parcels meet all requirements for 10 acre parcels as follows:

TEST	STANDARD	MINIMUM PARCEL SIZE
Remoteness	7.5 miles from the Templeton urban reserve line	10 acres
Fire Hazard/ Response Time	Within the 15 minute response time In the moderate fire hazard area	5 acres
Access	Located on a county maintained road	10 acres
Slope	Average slope are between 20% and 37.5%	10 acres

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

The adjustment will result in the reconfiguration of the two parcels to configure the parcels to better the agricultural use to allow for better vineyard access.

Planning Area Standards

22.94.040F.1.a. Residential Rural. Offer of road right-of-way dedication. Prior to the issuance of any land use permit, offer for dedication a public road right-of-way across the entire property frontage along the proposed road. Offered rights-of-way should follow platted road alignments where feasible, and are to be one-half of a 50-foot wide road Section from the future centerline.

Staff Comments

The proposed parcel will be conditioned to comply with this standard.

22.94.040F.1.a. Residential Rural. Parcel Size. The minimum parcel size for new land divisions is 10 acres, unless a larger parcel size is otherwise required by the Land Use Ordinance.

Staff Comments

The proposed parcels comply with this standard.

SB 497

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan. The County's local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation. Because the parcels as adjusted are consistent with the minimum parcel sizes as set forth in the General Plan, staff has concluded that the adjustment is consistent with both state and local law.

LEGAL LOT STATUS:

Lot 20 and lot 21 were created legally by a recorded map at a time when that was a legal method of creating lots.

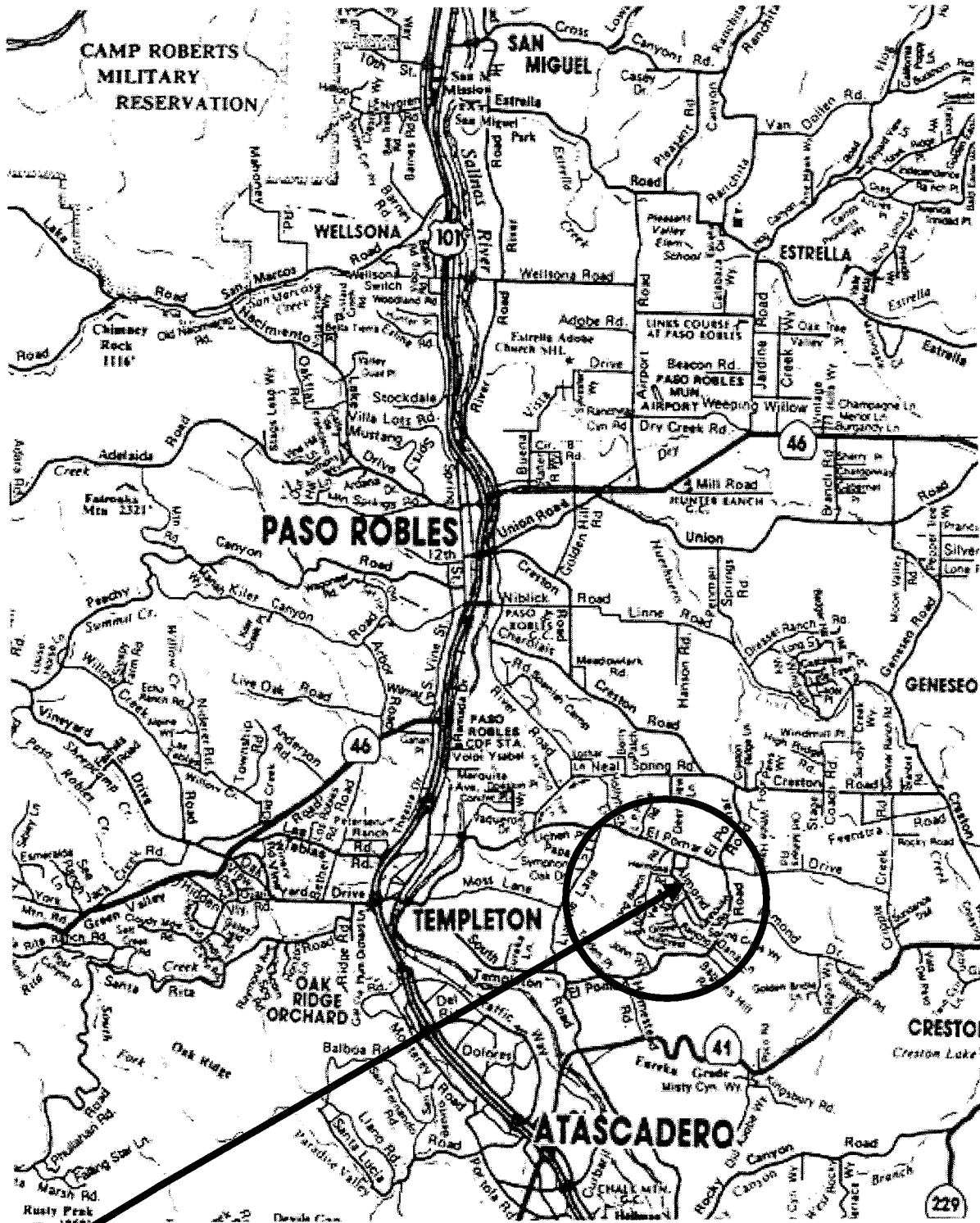
FINDINGS - EXHIBIT A

- A. The proposed Lot Line Adjustment is consistent with the provisions of Section 21.02.030 of the Real Property Division Ordinance because the adjustment will result in the reconfiguration of two parcels to reflect topography and will make the parcels more usable for vineyard access.
- B. The proposal will have no adverse effect on adjoining properties, roadways, public improvements, or utilities.
- C. Compliance with the attached conditions will bring the proposed adjustment into conformance with the Subdivision Map Act and Section 21.02.030 of the Real Property Division Ordinance.
- D. The proposed lot line adjustment is a minor alteration on land with greater than 20 percent slopes that will not change the land use or density. No environmental resources will be significantly impacted by the proposed lot line adjustment.

CONDITIONS - EXHIBIT B

1. This adjustment may be effectuated by recordation of a parcel map or recordation of certificates of compliance. If a map is filed, it shall show:
 - a. All public utility easements.
 - b. All approved street names.
2. Any private easements described in the title report must be shown on the map, with recording data.
3. When the map is submitted for checking, or when the certificate of compliance is filed for review, provide a preliminary title report to the County Engineer or the Planning Director for review.
4. All conditions of approval herein specified are to be complied with prior to the recordation of the map or certificates of compliance which effectuate the adjustment. Recordation of a map is at the option of the applicant. However, if a map is not filed, recordation of a certificate of compliance is mandatory.
5. The map or certificates of compliance shall be filed with the County Recorder prior to transfer of the adjusted portions of the property or the conveyance of the new parcels.
6. In order to consummate the adjustment of the lot lines to the new configuration when there is multiple ownerships involved, it is required that the parties involved quitclaim their interest in one another new parcels. Any deeds of trust involving the parcels must also be adjusted by recording new trust deeds concurrently with the map or certificates of compliance.
7. If the lot line adjustment is finalized using certificates of compliance, prior to final approval the applicant shall prepay all current and delinquent real property taxes and assessments collected as real property taxes when due prior to final approval.
8. The lot line adjustment will expire two years (24 months) from the date of the approval, unless the map or certificates of compliance effectuating the adjustment is recorded first. Adjustments may be granted a single one year extension of time. The applicant must submit a written request with appropriate fees to the Planning Department prior to the expiration date.
9. All timeframes on completion of lot line adjustments are measured from the date the Review Authority approves the lot line adjustment map, not from any date of possible reconsideration action
10. All parcels shall be provided with legal access from a public road. Easements or offers of dedication with a minimum width of 20 feet shall be recorded for all parcels that currently do not have access. These shall be shown on a map (if a map is used to final the adjustment) or recorded with the certificates of compliance.

11. Prior to recordation of a parcel map or certificates of compliance finalizing the lot line adjustment, the applicant shall enter into an agreement, in a form approved by County Counsel, which includes the following:
 - a. Prior to issuance of construction permit, the applicant shall submit a color board for the review and approval by the Department of Planning and Building/Division of Environmental and Resource Management. All exterior colors shall be less than 6 chroma value and meet the following criteria:
 - 1) Water tank colors shall be dark green;
 - 2) Exterior wall colors shall be limited to earth tones; and
 - 3) Roof colors shall be non-reflective and limited to earth tones, deep muted reds, browns and grays.
 - b. Prior to final inspection, the applicant shall implement the approved color board.
 - c. Prior to issuance of construction permit, the applicant shall implement the approved color board.
 - d. Prior to issuance of construction permits, the applicant shall submit a final landscaping plan showing use of native drought-tolerant vegetation to screen at least 50% of all proposed structures, including water tanks from all viewpoints on Almond Road within three years. The plan shall identify the species, size and location of all proposed vegetation and proposed means of irrigation. The plan shall be prepared by a licensed architect, licensed landscape architect, licensed landscape contractor or certified nursery person.
 - e. Prior to final inspection, all lighting fixtures shall be shielded so that neither the lamp or the related interior surface is visible from Almond Road. All lighting poles, fixtures, and hoods shall be dark colored. No exterior lighting shall be installed or operated in a manner that would throw light, either reflected or directly, in an upward direction.
 - f. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
 - g. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
 - h. Prior to final inspection , offer for dedication, a public road right-of-way across the entire property frontage along the proposed road. Offered rights-of-way should follow platted road alignments where feasible, and are to be one-half of a 50-foot wide road Section from the future centerline.



SITE

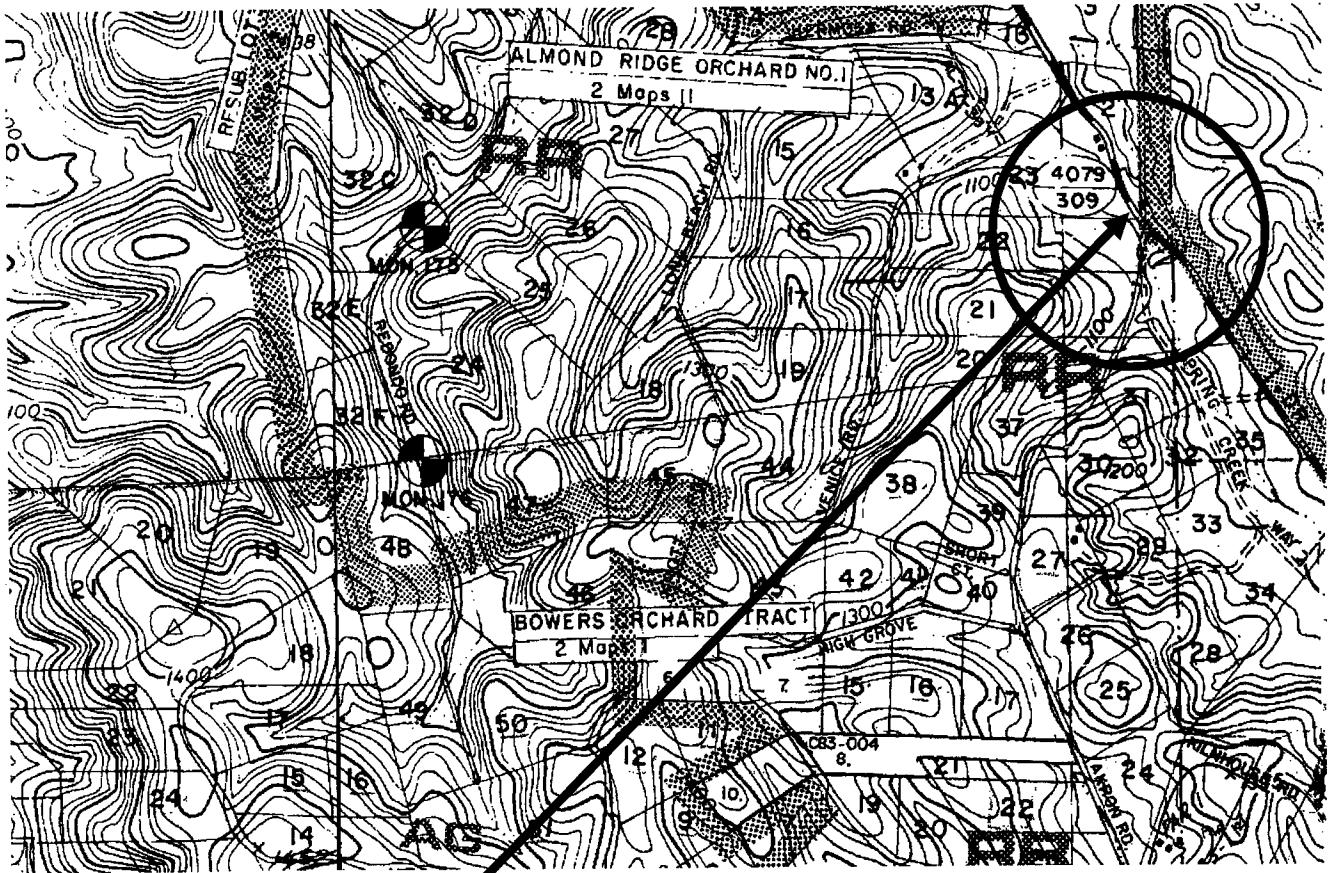
PROJECT

Parcel Map
Palmieri SUB2003-00240



EXHIBIT

Vicinity Map



SITE

PROJECT

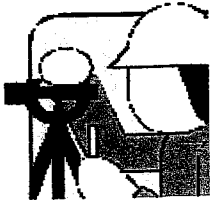
Parcel Map
Palmieri SUB2003-00240



EXHIBIT

Land Use Category

Site Plan



EMK & ASSOCIATES, INC.
1005 RAILROAD STREET
PASO ROBLES, CA 93446
PH (805) 238-5427 FAX 238-5810
e-mail me at: emk_tob@pacbell.net

PROJECT DESCRIPTION
PARCEL MAP NO. COAL 04-0178

Date: May 22, 2006

Job No.: 04-366

From: Tobey T. Osgood, Survey and Mapping Technician

This Tentative Lot Line Adjustment involves 2 parcels in the El Pomar area. The Parcels were created by map Almond Ridge Orchard (2MB 12). This project was originally submitted as a Tentative (two-parcel to three-parcel) Subdivision. However, after some discussion with his vineyard maintenance people, it has occurred to the client and owner, Lino Palmieri, that this subdivision would cause some disruption and additional expense to the existing vineyard layout in order to finalize. Therefore, he has chosen to change this project to a Lot Line Adjustment instead.

The property is currently used for a vineyard and one residence near the South line. The current line between the parcels does not follow along the vine row direction and does not follow the main irrigation layout. The new configuration of the "Revised May 2006" map shows a new line that follows the centerline of the existing road and jogs at an appropriate point in the vines and irrigation system. This configuration will make the parcels more usable for vineyard and access. Parcel 2, at 15.00 acres, has several locations where a future residence could be located with minimal disruption to the existing vineyard.

Prepared by: Tobey T. Osgood, Surveying and Mapping Technician *HO*
Checked by: Albert Dan King, LS 5145 *ADK*



~~9-45~~ HAP 7/31/0L
COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

RECEIVED

SEP 26 2005

Planning & Bldg

DATE: September 21, 2005
TO: Holly Phipps, Project Manager
FROM: Lynda L. Auchinachie, Agriculture Department JA
SUBJECT: Palmieri Parcel Map, SUB2003-00240 (1071)

Summary

The applicant is proposing to subdivide an approximately 31-acre project site, consisting of two parcels of 15 and 16 acres each, into three parcels ranging in size from 10 to 11 acres within the Residential Rural land use category. The project site is located at 725 Spring Creek, approximately five miles east of the community of Templeton. A 25-acre grape vineyard operation is located on the project site. The Agriculture Department's review finds that the proposal would result in **less than significant impacts** to agricultural resources or operations with the incorporation of the following mitigation measure into the project.

Recommended Mitigation Measure

1. Provide supplemental disclosure to purchasers of these properties concerning the existing and potential intensive agricultural operations on nearby properties, including built not limited to dust, noise, odors, and agricultural chemicals, and of the County's Right-to-Farm Ordinance.

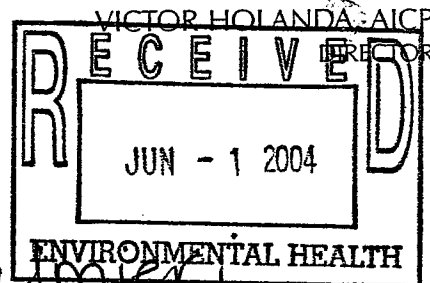
The comments and recommendations in our report are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.



~~4-50~~ 66A P 7/31/06 8
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

EX

THIS IS A NEW PROJECT REFERRAL



DATE:

6/2/2004

TO:

Env. Health

FROM:

North Co. Team

(Please direct response to the above)

Patmieri

SUB2003-00240

Project Name and Number

Dm

Development Review Section (Phone: 781-

788-2009)

PROJECT DESCRIPTION:

Parcel map in Templeton.
On 31+ Acres. 2 to 3 lots
East of Templeton, S. of S. El Pomer
Zoned RR. See Large MAP

Return this letter with your comments attached no later than:

6/16/2004

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☐ YES
☐ NO

(Please go on to Part II)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☐ NO
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

Please provide standard stock conditions for individual wells and on-site septic system. Comprehensive water data will be required for each parcel prior to final recordation. Be advised that parcels with slope greater than 20% must have engineered septic systems

6/14/04
Date

Lauri Salv
Name

781-5551
Phone

and on-site septic systems can not be installed on slope greater than 30%



8-59 HAP 7/4/06
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

EK

JUN - 1 2004

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

6/2/2004

FROM

PW

TO

North Co. Team

(Please direct response to the above)

Palmieri

SUB2003-00240

Project Name and Number

Dm

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Recommend Approval - new/vented parcels need to be included in Road Maint.
Agreement. Parcel 1 payable for water line & well should be an EASEMENT,
NOT A Fee Strip. AERON Road Traveled Way is shown on Map, Aerial Photo shows
it is used, Assessor and 2 maps have dotted it in so I'm asking for 25 ft (1/2 width
R/W) offer of Dedication. Driveway becomes a Road - needs a NAME.

16 July 2004
Date

Goodwin
Name

5252
Phone

